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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/014,351

12/14/2001

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032404-018

1122

7590

12/12/2006

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EXAMINER

CHEVALIER, ROBERT

ART UNIT

PAPER NUMBER

2621

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,351

Applicant(s)

MORI ET AL.

Examiner

Bob Chevalier

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/1/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Furukawa et al (P.N. 2005/0094870).

Furukawa et al discloses a video recording apparatus that shows all the limitations recited in claims 1-3, including the feature of coding an input sound and image data relating to an image (See Furukawa et al's Figure 1, components 100, 10), the feature of setting the frame rate and the bit rate of coding according to a type, size or resolution of the image (See Furukawa et al's Figure 1, components 32, 34, 134), and the feature of recording the coded data into a recording medium as specified in the present claims 1-3. (See the last line shown in Furukawa et al's page 4, paragraph [0046]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukurawa et al in view of Nago et al.

Fukurawa et al discloses a video recording apparatus that shows substantially the same limitations recited in claim 4-6, including the feature of setting up frame and bit rate of the coding process as specified in the present claims 4-6. (See Furukawa et al's Figure 1, components 32, 34, 134).

Fukurawa et al fails to specifically disclose the feature of setting up frame and bit rate within a predetermined range of the frame rate or a predetermined range of the image quality of the frame respectively so that a current bit rate maintains a target bit rate during the coding as specified in the present claims 4-6.

Nago et al does discloses a coding system which includes the feature of setting up frame and bit rate within a predetermined range of the frame rate or a predetermined range of the image quality of the frame respectively so that a current bit rate maintains a

target bit rate during the coding process as specified in the present claims 4-6. (See Nago et al's claim 7).

It would have been obvious to one skilled in the art to modify the Fukurawa et al's apparatus wherein the coding means provided thereof would incorporate the capability of setting up frame and bit rate within a predetermined range of the frame rate or a predetermined range of the image quality of the frame respectively so that a current bit rate maintains a target bit rate during the coding process in the same conventional manner as is shown by Nago et al. The motivation is to improve the quality of the coded image signal as suggested by Nago et al.

With regard to claim 7, the feature of the contents of the database being stored in the database based on inspection by users as specified thereof would be present in the proposed combination of Fukurawa et al and Nago et al indicated above. (See Nago et al's claim 7).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fukurawa et al and Nago et al as applied to claims 4-7 above, and further in view of Lane et al.

The proposed combination of Fukurawa et al and Nago et al indicated above discloses a recording apparatus that shows substantially the same limitations recited in claim 8, including the feature of recording encoded image data on a storage recording medium. (See the above rejection of claims 4-7).

The proposed combination of Fukurawa et al and Nago et al fails to specifically disclose the feature of decoding and reproducing the decoded image data from the recording medium as specified in the present claim 8.

Lane et al does disclose a video recording/reproducing apparatus which includes the feature of decoding and reproducing the decoded image data from the recording medium as specified in the present claim 8. (See Lane et al's Figure 11).

It would have been obvious to one skilled in the art to modify the proposed combination of Fukurawa et al and Nago et al indicated above wherein the recording means provided thereof would incorporate the capability of decoding and reproducing the decoded image data from the recording medium in the same conventional manner as is shown by Lane et al. The motivation is to be able to retrieve the recorded data at any desired time as suggested by Lane et al.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier
December 6, 2006.

Robert Chevalier
ROBERT CHEVALIER
PRIMARY EXAMINER